



STATE OF RHODE ISLAND AND PROVIDENCE PLANTINGS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, February 11, 2003
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:

Walter J. Lanni, Chairman
Frank J. Montanaro
Joseph V. Mulvey
Gerald S. Goldstein
Ellen L. Jordan
John R. Capobianco
Elizabeth S. Dolan

OTHERS PRESENT:

Joan N. Brousseau, Administrator
Linda L. Esposito, Secretary
Martin E. Joyce, Jr., Investigator
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.

All members present reviewed the Open Minutes of the January 16, 2003 Board Meeting. A Motion was made by John Capobianco and seconded by Gerald Goldstein to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

DRAFTED DECISIONS:

1. Case No. ULP-5464
Labor & Training & AFSCME

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, Gerald Goldstein, Ellen Jordan, John Capobianco and Elizabeth Dolan.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision and discussion, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to sign the Decision as written, with grammatical corrections to be made. All Board members present voted in favor of the Motion.

Board Member Frank Montanaro arrived at 9:20 a.m. and voted in favor of the Motion to sign the Decision and Order of Dismissal above as drafted, with grammatical corrections to be made, relative to Case No. ULP-5464. Board Member Frank Montanaro participated in all of the following discussions except for those cases in which his disqualification is noted.

2. Case No. EE-1655A
Health & NAGE
UNIT CLARIFICATION: Director of Nursing Education

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, John Capobianco, Gerald Goldstein and Elizabeth Dolan. Ellen Jordan reviewed the briefs and transcripts in this matter.

ORDER: Pursuant to RIGL 28-7-9(d), the petition for the accretion of the position of "Director of Nurse Registration and Nurse Education" is here by denied and dismissed.

After review of the drafted decision and discussion, a Motion was made by Gerald Goldstein and seconded by Joseph Mulvey to sign the Decision as written, with grammatical corrections to be made. All Board members voted in favor of the Motion.

3. Case No. ULP-5588
East Greenwich & IBPO

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, Ellen Jordan and Elizabeth Dolan. Frank Montanaro and John Capobianco reviewed the briefs and the transcript in this matter.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision and discussion, a Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to sign the Decision as written, with grammatical corrections to be made. All Board members voted in favor of the Motion.

4. Case No. ULP-5405
Central Falls & AFSCME

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, Gerald Goldstein, Ellen Jordan, John Capobianco and Elizabeth Dolan.

No draft was available at today's meeting. Attorney Hogan had some concerns about conflicting information contained in the Union's original brief and the Union's supplemental brief. After discussion, Attorney Hogan was advised by the Board to write to the Union's Attorney, with a copy to the Employer's Attorney, asking for clarification of those issues in question.

UNIT CLARIFICATIONS:

1. Case No. EE-3039, 3040, 3041 & 3042 Consent Agreement & Affidavit
Providence & Laborers'
UNIT CLARIFICATION: Environmental Court Liaison

After review of the Consent Agreement & Affidavit submitted by the parties in December of 2002 and review of a letter from Attorney Jeffrey Kastle dated February 10, 2003 on behalf of the current administration in the City of Providence, and after discussion, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to table this matter until the next scheduled Board Meeting. All Board Members voted in favor of the Motion.

2. Case No. EE-3398 Accretion Petition
Lime Rock Fire Department & IAFF

Frank Montanaro disqualified himself from participation in this matter.

After review of the informal notes, and discussion, a Motion was made by John Capobianco and seconded by Joseph Mulvey to proceed to formal hearing on this matter. All participating Board Members voted in favor of the Motion.

STATUS LETTERS:

1. After review and discussion, a Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan that the following unfair labor practice charges be dismissed, with prejudice, due to the parties' failure to respond to the written request(s) of the Board to advise the Board of the status of these cases, said written response(s) were to have been submitted within thirty (30) days of the date of the Board's status request letter(s). All Board Members voted in favor of the Motion.

- a. Case Nos. ULP-5162/5541/5565 - Newport & AFSCME
- b. Case No. ULP-5553 - Providence School & AFSCME
- c. Case No. ULP-5624 - West Warwick & ASFCME
- d. Case No. ULP-5630 - Tiverton School & AFSCME
- e. Case Nos. ULP-5634/5635 - Johnston School & Laborers'

2. After review and discussion, a Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan that the following request to merge bargaining units be dismissed, without prejudice, due to the parties' failure to respond to the written request of the Board to advise the Board of the status of this matter, said written response was to have been submitted within thirty (30) days of the date of the Board's status request letter. All Board Members voted in favor of the Motion.

a. Case Nos. EE-1867/1877-Westerly School & Laborers' LU 15

MISCELLANEOUS MATTERS:

Case No. ULP-5631
D.O.T. & Local 400

After review of Attorney Affeck's letter of December 20, 2002, and after discussion, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to deny Attorney Affleck's request for further information on the Board's dismissal of this matter. All Board Members voted in favor of the Motion.

2. Case No. EE-3538 (MERGER/AFFILIATION)
Cranston & Cranston City Workers Union & Teamsters' Local 251

After review of the documents submitted by the Cranston City Workers' Union and Teamsters Local 251, and after discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to accept the Cranston City Workers Union's request to affiliate/merge with Teamsters Local 251 and to sign an Amended Certification to that affect. All Board Members voted in favor of the Motion.

Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges, cases concluded and miscellaneous matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Elizabeth Dolan, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:40 a.m.

The meeting resumed in open session at 10:05 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CHARGES:

Case No. ULP-5645
Lime Rock Fire District & IAFF

Frank Montanaro disqualified himself from participation in this matter.

DETERMINATION: dismiss the charge in accordance with RIGL 28-7-9(d).

2. Case No. ULP-5652
D.E.M. & AFSCME

DETERMINATION: issue Complaint and proceed to formal hearing.

3. Case No. ULP-5654
Warren & Steelworkers

DETERMINATION: Hold for further investigation by Attorney Hogan

MISCELLANEOUS MATTERS:

DETERMINATION: reappoint Attorney Margaret Hogan as the Board's Legal Counsel for FY 2004, at a rate of \$135.00 per hour.

A Motion to adjourn was made by Ellen Jordan and it was seconded by Elizabeth Dolan and it was unanimously,

VOTED: to adjourn the meeting at 10:10 a.m.